

STATE OF MICHIGAN
COURT OF APPEALS

JOSEPH KATZ,

Plaintiff-Appellee,

v

JOSEPH HUDSON,

Defendant-Appellant.

UNPUBLISHED

April 19, 2002

No. 229716

Wayne Circuit Court

LC No. 98-826385-CZ

Before: K.F. Kelly, P.J., and Doctoroff and Cavanagh, JJ.

MEMORANDUM.

Defendant appeals as of right the order granting summary disposition to plaintiff in this action to renew a judgment. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff brought this action to renew a judgment against defendant entered July 3, 1989. Defendant began bankruptcy proceedings and sought to discharge the debt. The bankruptcy court determined that the debt was not dischargeable, and entered judgment in favor of plaintiff. Plaintiff moved for summary disposition in this action, asserting that defendant failed to show the judgment was satisfied, and that the bankruptcy proceedings rendered that question res judicata.

MCL 600.903 allows for the renewal of any judgment in tort, with the renewed judgment having the same attributes as the original tort judgment. Satisfaction of the judgment would be a defense against a renewal action, as there would be no basis to renew a judgment that has been satisfied. MCR 2.620 provides:

A judgment may be shown satisfied of record in whole or in part by:

(1) filing with the clerk a satisfaction signed and acknowledged by the party or parties in whose favor the judgment was rendered, or their attorneys of record;

(2) payment to the clerk of the judgment, interest, and costs, if it is a money judgment only; or

(3) filing a motion for entry of an order that the judgment has been satisfied. The court shall hear proofs to determine whether the order should be entered.

The clerk must, in each instance, indicate in the court records that the judgment is satisfied in whole or in part.

There is no indication that defendant performed any of the acts which would constitute a satisfaction of judgment.

Michigan follows a broad rule of res judicata which bars not only claims that were actually litigated, but every claim arising out of the same transaction that the parties, exercising reasonable diligence could have raised, but did not. *Sprague v Buhagiar*, 213 Mich App 310, 313; 539 NW2d 587 (1995). In bankruptcy court, defendant could have raised satisfaction of the judgment as grounds for discharge of his debt to plaintiff. The trial court did not err in finding that this issue was barred by res judicata.

Affirmed.

/s/ Kirsten Frank Kelly
/s/ Martin M. Doctoroff
/s/ Mark J. Cavanagh